FIFTH *CONGRESS* OF THE UNITED STATES:

At the Second Seſsion,

Begun and held at the city of *Philadelphia*, in the ſtate of PENNSYLVANIA, on *Monday*, the thirteenth of *November*, one thouſand ſeven hundred and ninety-ſeven.

An ACT *reſpecting alien enemies.*

BE it enacted by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled, That whenever there ſhall be a declared war between the United States and any foreign nation or government, or any invaſion or predatory incurſion ſhall be perpetrated, attempted, or threatened againſt the territory of the United States, by any foreign nation or government, and the President of the United States ſhall make public proclamation of the event, all natives, citizens, denizens or ſubjects of the hoſtile nation or government, being males of the age of fourteen years and upwards, who ſhall be within the United States, and not actually naturalized, ſhall be liable to be apprehended, reſtrained, ſecured, and removed, as alien enemies. And the President of the United States ſhall be, and he is hereby authorized, in any event, as aforeſaid, by his proclamation thereof, or other public act, to direct the conduct to be obſerved, on the part of the United States, towards the aliens who ſhall become liable, as aforeſaid, the manner and degree of the reſtraint to which they ſhall be ſubject, and in what caſes, and upon what ſecurity, their reſidence ſhall be permitted, and to provide for the removal of thoſe, who not being permitted to reſide within the United States, ſhall refuſe or neglect to depart therefrom; and to eſtabliſh any other regulations which ſhall be found neceſſary in the premiſes, and for the public ſafety: Provided, That aliens reſident within the United States, who ſhall become liable as enemies, in the manner aforeſaid, and who ſhall not be chargeable with actual hoſtility, or other crime againſt the public ſafety, ſhall be allowed, for the recovery, diſpoſal, and removal of their goods and effects, and for their departure, the full time which is, or ſhall be ſtipulated by any treaty, where any ſhall have been between the United States, and the hoſtile nation or government, of which they ſhall be natives, citizens, denizens or ſubjects; and where no ſuch treaty ſhall have exiſted, the President of the United States may aſcertain and declare ſuch reaſonable time as may be conſiſtent with the public ſafety, and according to the dictates of humanity and national hoſpitality.

Sec. 2. And be it further enacted, That after any proclamation ſhall be made, as aforeſaid, it ſhall be the duty of the ſeveral courts of the United States, and of each ſtate, having criminal juriſdiction, and of the ſeveral judges and juſtices of the courts of the United States, and they ſhall be, and are hereby, reſpectively, authorized upon complaint, againſt any alien or alien enemies, as aforeſaid, who ſhall be reſident and at large within ſuch juriſdiction or diſtrict, to the danger of the public peace or ſafety, and contrary to the tenor or intent of ſuch proclamation, or other regulations which the President of the United States ſhall and may eſtabliſh in the premiſes, to cauſe ſuch alien or aliens to be duly apprehended and convened before ſuch court, judge or juſtice; and after a full examination and hearing on ſuch complaint, and ſufficient cauſe therefor appearing, ſhall and may order ſuch alien or aliens to be removed out of the territory of the United States, or to give ſureties of their good behaviour, or to be otherwiſe reſtrained, conformably to the proclamation or regulations which ſhall and may be eſtabliſhed, as aforeſaid, and may impriſon, or otherwiſe ſecure ſuch alien or aliens, until the order which ſhall and may be made, as aforeſaid, ſhall be performed.

Sec. 3. And be it further enacted, That it ſhall be the duty of the marſhal of the diſtrict in which any alien enemy ſhall be apprehended, who, by the President of the United States, or by order of any court, judge, or juſtice, as aforeſaid, ſhall be required to depart, and to be removed, as aforeſaid, to provide therefor, and to execute ſuch order, by himſelf or his deputy, or other diſcreet perſon or perſons to be employed by him, by cauſing a removal of ſuch alien out of the territory of the United States; and for ſuch removal, the marſhal ſhall have the warrant of the President of the United States, or of the court, judge, or juſtice ordering the ſame, as the caſe may be.

Jonathan Dayton Speaker of the Houſe of Repreſentatives.

Theodore Sedgwick President of the Senate, pro tempore.

Approved July 6. 1798

John Adams

President of the United States.

I certify that this act did originate in the Houſe of Repreſentatives.

Jonathan W. Condy — Clerk.